

Telecommunications Equipment Distribution Program Association (TEDPA)  
Recommendation Regarding Captioned Telephone Service

Marlene H Dortch, Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-B204  
Washington, D.C. 20554

Dear Ms. Dortch,

The Telecommunications Equipment Distribution Program Association (TEDPA) is a nonprofit organization whose members have the direct responsibility for the administration or oversight of specialized telecommunications equipment distribution programs.

As Chair of TEDPA, I am writing on behalf of our organization requesting that the FCC not mandate nationwide captioned telephone relay service provided over the public switched telephone network (PSTN) until such time as many issues that the State Administrators are experiencing are resolved.

TEDPA recognizes the importance of this service for so many people with a hearing loss, allowing conversations to take place in a more natural flow and speed of a typical voice phone conversation, however the members of TEDPA are concerned about the FCC mandating the service at this point in time.

The States have been working diligently for many years with the providers in order to improve the service; however there still remain many issues that we believe the FCC should be aware of before making a decision about mandating Captioned Telephone Service.

Although we are addressing this service from the equipment distribution of the captioned telephone device, it is directly connected to the provisioning of the captioned telephone relay service.

TEDPA in conjunction with the National Association for State Relay Administrators (NASRA), has had a committee in place working with the Captioned Telephone providers and distributors regarding the issues the States have been encountering. At this time the issues have not been resolved which is why we are requesting the FCC to not mandate the service.

The issues our organization believes need to be addressed and resolved before the FCC issues any mandate are:

? CapTel Inc is a monopoly

CapTel Inc, the relay provider, Weitbrecht Inc. the CapTel equipment provider and Ultratec, the CapTel manufacturer hold all patents on this service. Therefore, they are a monopoly with no

competition and also control which Relay providers are allowed to have licensing agreements to resell the service. Currently there are only two resellers of the service that States may contract with, Sprint Relay and Hamilton Relay.

CapTel Inc., also has not allowed these resellers to set up their own call centers or control the quality of training provided.

Currently there are two centers both in Wisconsin and only an hour apart. The States are concerned about redundancy and the possibility of perhaps both centers being impacted to the point consumers may not have access or have to wait for long periods before a call could be handled.

By denying the resellers to have their own centers with control over their operations, the States have a difficult time getting changes made.

CapTel Inc. has allowed Australia to have their own call center, but have refused to allow relay providers within the United States to set up their own centers.

#### ? Quality of the service

Many consumers are experiencing issues with the quality of the captioning. Corrections are made to noted errors; however, unnoticed errors are not corrected, nor are they counted as an error. Errors can be made and the correction may come four lines later, causing for much confusion, and denying the consumer functional equivalence within the call.

#### ? Cost of the captioned telephone device

The resellers and Captioned Telephone Service, Inc. are offering the phones for \$99.00, but the State programs are paying anywhere from \$350.00 to \$500.00. This was started as a trial many years ago but is still in place so it appears that the States may not be paying the fair market value.

#### ? Screening for a device

The State Equipment Distribution Programs screen their clients in order to determine the right equipment match for a consumer. In many instances the Captioned Telephone is not the right fit because it may not amplify enough or may be too confusing for the individual and a simple amplified phone would work better for them.

When the resellers or distributor sell one of these \$99.00 phone to an individual there is no screening and in many instances they may be using the phone as an amplified telephone and not as a captioning telephone which has a direct impact on the minutes of relay use that are being billed to the State and NECA.

### ? Training issues

When the \$99.00 CapTel is sold, it is shipped directly to the consumer and there is no training, therefore the consumer comes to the state programs for training and information on how to set it up and connect it. The consumer may call CapTel Inc., customer service directly for this information but for many of the consumers they cannot do this over the telephone because it is too confusing or overwhelming for them.

### ? Communication between CapTel Inc. and the state programs

Many times there can be multiple people working with a variety of CapTel representatives on behalf of the same person, and never know it is causing even further confusion.

### ? Amplification

The volume boost on the CapTel 800 will not amplify beyond 18 decibel if captioning is not on. Therefore a person who needs greater amplification must use captions whether they choose to or not. This manufactures more CapTel minutes on the relay.

### ? Advertising

Information is missing and/or misleading on advertising for the CapTel telephone. All advertising gives the impression that the CapTel is a ?magic? phone with no 3rd party. The public does not realize this is a relay service. This is especially serious for late deafened people who are used to a phone conversation being ?direct? and without a 3rd person in the call.

### ? CapTel Billing

Captioned telephone service billing is not based on the 800 access number as traditional relay, but rather by the electronic serial number (ESN) of the telephone device, tying the device back to the State.

Billing based on the ESN(Electronic Serial Number) of the phone has caused a number of issues with the States

- o States have difficulty reconciling the number of phones registered to the State and their reported internal tracking.

- o Phones registered in one State find their way to another State, however the minutes of use from the calls are still being charged back to the original State.

- o Complexity of determining how a call is billed to a State is based on:

- ? Location of the phone

- ? Location of the originating and terminating number for the call

- ? Determination of the State where the phone is registered

This type of billing has forced States to make decisions about whether or not a person can make a call from their captioned telephone while traveling or moving out of State. These inconsistent

jurisdictional restrictions cause confusion and hardships for callers.

The States are not getting their State reports as they do with Traditional Relay because much of the information is nationwide hindering the State's ability to make important decisions.

The goal of TEDPA is to provide this service to the many consumers whose lives are enhanced by this very important type of relay service, but not have the FCC mandate the service until such time as these issues can be resolved.

We thank you for your consideration of not mandating Captioned Telephone Relay Service at this time.

Sincerely,

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